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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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CYNTHIA GUTIERREZ, JOSE HUERTA,  
SMH, RH and AH,

Plaintiffs,

vs.

SANTA ROSA MEMORIAL HOSPITAL,  
ST. JOSEPH HEALTH and DOES 1-50,  
inclusive,

Defendants.

No. 4:16-cv-02645-DMR

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DEPOSITION OF  
STEWART LAUTERBACH, M.D.  
SANTA ROSA, CALIFORNIA  
MARCH 22, 2017

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REPORTED BY: MICHELLE D. BARBANTE, CSR NO. 12601

FILE NO.: AB02108

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Deposition of STEWART LAUTERBACH, M.D., taken on  
behalf of Defendants, at 131-A Stony Circle, Suite 500,  
Santa Rosa, California, commencing at 8:19 a.m.,  
Wednesday, March 22, 2017, before Michelle D. Barbante,  
CSR No. 12601.

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A P P E A R A N C E S:

FOR PLAINTIFFS:

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FOR STEWART LAUTERBACH, M.D.:

DONNELLY NELSON DEPOLO & MURRAY  
BY: JAMES M. NELSON, ESQ.  
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Walnut Creek, California 94596

1 MR. SCHOEL: The very back page, last line.

2 MR. FLADSETH: Oh, because there's a different  
3 time on the first page.

4 MR. SCHOEL: Well, I'm going to get to that one.

5 MR. FLADSETH: Oh, okay. Thank you.

6 BY MR. SCHOEL:

7 Q. So let's all -- so we're clear here. My  
8 understanding is you came back, it looks like, on the  
9 morning of February 26th, 2015, and dictated, using  
10 Dragon, your "Medical Decision Making" section, correct?

11 A. Correct.

12 Q. And then you signed that at about 9:38 that  
13 morning?

14 A. That's correct.

15 Q. Okay. Then it looks like you dictated an  
16 addendum timed and signed at 11:13 that morning; is that  
17 correct?

18 A. Well, over three minutes' time. I started it at  
19 11:10. I signed it at 11:13.

20 Q. Right. You signed it at 11:13.

21 A. Yeah. So about two hours late.

22 Q. Okay. So it looks like maybe you may have  
23 started it at 11:10?

24 A. Yes.

25 Q. All right. And that's my question is, first of

1 all, why did you make the addendum?

2 A. I made the addendum because I probably didn't  
3 remember to add it while I was doing the -- I went through  
4 and -- it's not unusual for us to look back and say, "Oh,  
5 God, I forgot to put that in there."

6 Q. And so --

7 A. Once you sign the chart, you're locked out. You  
8 can't get in. The only thing you can do is an addendum.

9 Q. Okay. And it looks like the addendum was  
10 started, as you had already pointed out, roughly an hour  
11 and a half after you had signed your note?

12 A. Yes.

13 Q. Do you have a recollection, in that hour and a  
14 half, what was going on, what jogged your memory?

15 A. Probably another 15 charts I did that -- during  
16 that time, and something came up or something jogged my  
17 memory that said, "Oh, that's a relevant thing. I really  
18 need to put it in."

19 Q. All right. What I'm getting at, do you recall  
20 what it was that jogged your memory?

21 A. No.

22 Q. For example, did anyone from the hospital come  
23 to you and say, "You need to put this information into  
24 your chart"?

25 A. Nobody from the hospital would have looked at my

1 paperwork at that point.

2 Q. Okay. Did you have a conversation with  
3 Dan Bradford at that --

4 A. Not -- not to my recollection.

5 Q. So as you sit here today, it's just something  
6 that you believe that came to mind that you forgot to put  
7 in?

8 A. Yes. A senior moment if you want to call it  
9 that.

10 Q. And your scribe, during this entire time where  
11 you're walking with the patient down the hallway, placing  
12 the endotracheal tube, is your scribe there with you that  
13 entire time?

14 A. They -- in these cases, they're usually out in  
15 the back corner of the room. They're being observers and  
16 trying to keep track of what we're doing.

17 Q. But they're near you and watching what's going  
18 on?

19 A. Yes. Yes. But the exception, if I need  
20 something that's not available there, I'll send them out  
21 for it.

22 Q. Okay.

23 A. But that's -- that's -- their responsibility is  
24 to tag along behind us.

25 Q. Okay. Did you have any conversation with

REPORTER'S CERTIFICATE

I, MICHELLE BARBANTE, CSR No. 12601, Certified  
Shorthand Reporter, certify:

That the foregoing proceedings were taken before  
me at the time and place therein set forth, at which time  
the witness was put under oath by me;

That the testimony of the witness, the questions  
propounded, and all objections and statements made at the  
time of the examination were recorded stenographically by  
me and were thereafter transcribed;

That a review of the transcript by the deponent  
was not requested;

That the foregoing is a true and correct  
transcript of my shorthand notes so taken.

I further certify that I am not a relative or  
employee of any attorney of the parties, nor financially  
interested in the action.

I declare under penalty of perjury under the laws  
of California that the foregoing is true and correct.

Dated this 3rd day of April, 2017.

Michelle Barbante  
MICHELLE BARBANTE, CSR No. 12601

1 REPORTER'S CERTIFICATION OF CERTIFIED COPY  
2  
3  
4  
5  
6

7 I, MICHELLE BARBANTE, CSR No. 12601, a Certified  
8 Shorthand Reporter in the State of California, certify  
9 that the foregoing pages constitute a true and correct  
10 copy of the original deposition of STEWART LAUTERBACH,  
11 M.D., taken on March 22, 2017.

12 I declare under penalty of perjury under the laws of  
13 the State of California that the foregoing is true and  
14 correct.

15  
16 Dated this 3rd day of April, 2017.  
17  
18

19 Michelle Barbante  
20 MICHELLE BARBANTE, C.S.R. NO. 12601  
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23  
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